

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-18, 20-22, 38, and 39 are pending. While not acquiescing to the rejections, but merely to advance prosecution of the present application, independent claim 1 is amended to incorporate the subject matter of now-cancelled claim 19. Claims 23-37 are also cancelled. Newly added claim 39 presents the subject matter of former claim 1 and claim 5 in independent form. Claim 39 is, therefore, allowable. Claims 5, 7, 9, 10, 14, 20-22, and 38 are amended for proper dependency and clarity.

Revised formal drawings are attached to address the issues noted in the Notice of Draftsperson's Patent Drawing Review. Confirmation of the Examiner's acceptance of these drawings is respectfully requested.

Claims 1-4, 6-11, 13-15, 18, 21-26, and 28-37 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,549,625 to Rautila et al. Claims 12, 16, 17, 19, 20, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rautila et al. in view of Slettengren et al. (U.S. 2002/0228674).

It is respectfully submitted that Rautila et al. in view of Slettengren et al. fails to render obvious the features of

Applicants' amended independent claim 1 for at least the reasons discussed below.

Rautila discusses the use of fixed transmitters to broadcast advertisements over short range wireless telecommunications (using Bluetooth or the like). The provided advertisements are relevant to the location of transmission (column 6, line 58, through column 7, line 51). The advertisements are received by local consumers (having, for example, Bluetooth-enabled cellular telephones), who see advertisement information displayed. The local consumers can determine, from the displayed advertisement information, whether to follow up on the advertisement, typically by following a network address link in the advertisement itself (column 9, lines 12 -42).

Slettengren et al. relates to the problem of quiet areas, specifically, how certain areas (e.g., libraries, cinemas, restaurants) can be kept free from noise and other disruption associated with use of mobile telephones. Slettengren et al. says mobile telephone noise elimination can be achieved by designating such areas as "Politeness Zones". When a cellular telephone enters a Politeness Zone, it receives a signal (for example, over Bluetooth, see paragraph 0030) requesting that the cellular telephone be set to a politeness mode (in which, for example, calls drop directly into voicemail without a ring (paragraph 0039). Slettengren et al. says there may be different levels of Politeness

Zone (paragraphs 0031-0034) and that a cellular telephone may be set to respond differently at different Politeness Zone levels using a Politeness Zone profile (0039).

Slettengren et al. does not appear to disclose or suggest any form of communication in response to the Politeness Zone request beyond acceptance and rejection. Slettengren et al. does not appear to disclose or suggest that suggest Politeness Zone requests relate to anything beyond a request to modify cellular telephone operation. In other words, Slettengren et al. does not disclose anything that could be considered advertising, because the reference does not provide information to encourage further interaction.

Slettengren et al. and Rautila can both relate to use of Bluetooth-enabled cellular telephones, but as can be seen from the above, they address very different problems and circumstances. Slettengren et al. is not about advertisement in any conventional sense of the word. Slettengren et al. discloses a mechanism that attempts to achieve a balance between information and coercion in establishing quiet areas free from disruptive use of cellular telephones. There would be nothing to motivate one of ordinary skill to modify Rautila to establish quiet areas (as this is to do with control of cellular telephones, rather than providing content to users of mobile phones). It is, therefore, respectfully

submitted that the allegation that original claim 19 is obvious is not well founded.

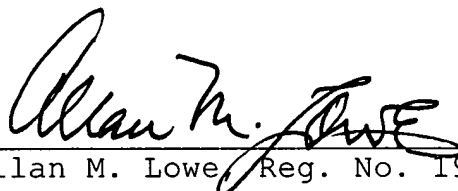
Since claim 1 is patentable over the art of record, the claims which depend directly or indirectly on claim 1 (i.e., claims 1-18, 20, and 28-38) are also allowable. In view of the foregoing, favorable reconsideration and allowance are respectfully requested and deemed in order.

The Commissioner is authorized to charge any omitted fees, including extension of time and extra claims fees, to Deposit Account 07-1337.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**

By:

  
Allan M. Lowe, Reg. No. 19,641

1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
703-684-1111 telephone  
703-518-5499 telecopier  
AML:rk